

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FEDERAL INSURANCE COMPANY,

Plaintiff,

-against-

CAC OF NY, INC. and CUTLASS  
INDUSTRIES, INC.,

Defendants.

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**ORDER ADOPTING R & R**

Civil Action No. 14-4132(DRH)(SIL)

**HURLEY, Senior District Judge:**

Plaintiff Federal Insurance Company (“Plaintiff”) commenced this diversity breach of contract action against defendants to recover additional insurance premiums that defendants were required to pay pursuant to two insurance policies. Defendants failed to answer the complaint and default judgment for damages and prejudgment interest totaling \$227,844.40 was entered. Thereafter, Plaintiff moved for an award of attorneys’ fees and costs, which motion was referred to Magistrate Judge Steven I. Locke for report and recommendation. On August 17, 2015, Judge Locke issued a Report and Recommendation recommending that the motion for attorneys’ fees and costs be denied in its entirety. More than fourteen days have elapsed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the August 17, 2015 Report and Recommendation of Judge Locke as if set forth herein.

**IT IS HEREBY ORDERED** that Plaintiff's motion for attorney's fees and costs is denied.

**SO ORDERED.**

Dated: Central Islip, N.Y.  
September 4, 2015

/s/  
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Denis R. Hurley,  
United States District Judge